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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/997,591

11/28/2001

Stefan Berndt

112740-357

6228

29177

7590

10/06/2004

BELL, BOYD & LLOYD, LLC

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EXAMINER

WOO, ISAAC M

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/997,591

**Applicant(s)**

BERNDT, STEFAN

**Examiner**

Isaac M Woo

**Art Unit**

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to Applicant's Amendments, filed on June 14, 2004 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 1-2 and 4-5 are amended. Claim 3 is canceled. Claim 9 is newly added. The pending claims are 1-2, and 4-9.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Landresse (U.S. Patent No. 6,351,744).

With respect to claims 1, 5 and 9, Landresse discloses, first interface (for instance, 41 (user application program) through 30a (database files), fig. 2) to an application (user application program) which initializes access to the data (data in database files, 30a, fig. 2), see (fig. 2, col. 14, lines 10-64, user application program accesses database files through database access routines); second interface to an access unit which provides access mechanisms (for instance, user application program 42, fig. 2 accesses database file, col. 14, lines 10-64) for different memory structures (col. 2, lines 35-47), wherein the unit provides the application with appropriate data by accessing access unit (database engine access routines, 2N, fig. 2, col. 14, lines 10-64); and third interface to a consistency module for automatically updating changes to the data for further applications accessing the same data, see (col.1, lines 40-54, col. 7, lines 33-35, referential integrity); and the application runs on the second data processing device (for instance, 11, cpu2, fig. 1) and the data are stored in the first processing device (for instance, 12, cpu2, fig. 1), the first and second data processing devices being connected to one another via a network, see (fig. 1, col. 13, lines 58-67 to col. 14, lines 1-9).

With respect to claim 2, Landresse discloses that the application is produced on an object-oriented basis, and the data are provided as required objects, see (col. 7, lines 6-20).

With respect to claim 4, Landresse discloses that the application runs on the first data processing device in which the data are stored, see (fig. 1, col. 13, lines 58-67 to col. 14, lines 1-9).

With respect to claim 6, Landresse discloses that the unit is arranged in the first data processing device, see (fig. 1, col. 13, lines 58-67 to col. 14, lines 1-9).

With respect to claim 7, Landresse discloses that the first interface is used for connection to a network interface unit, see (fig. 1, col. 13, lines 58-67 to col. 14, lines 1-9).

With respect to claim 8, Landresse discloses, for a plurality of applications, each application has a respectively associated application-specific unit, see (41-43, user application, fig. 2, col. 14, lines 10-64).

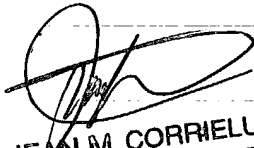
**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW  
September 28, 2004



JEAN M. CORRIELUS  
PRIMARY EXAMINER